

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33605
Issue No.: 5025
Case No.: [REDACTED]
Hearing Date: July 6, 2011
DHS County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and Michigan Compiled Laws 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Wednesday, July 6, 2011. The Claimant appeared and testified. [REDACTED], appeared on behalf of the Department of Human Services (Department).

ISSUE

Whether the Department properly denied the Claimant's request for State Emergency Relief (SER) benefits.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted an SER application for assistance with property taxes.
2. At the time of application, the Claimant did not provide the Department with any documents showing that there was a property tax payment arrearage that may result in foreclosure or forfeiture of the property.
3. On April 19, 2011, the Department denied Claimant's SER application, because there was no verification that the taxes on the Subject Premises were delinquent and there was also no evidence that, if the taxes were delinquent, the taxes were assessed against the Claimant.

4. On May 11, 2011, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The SER program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10 *et seq.* and by final administrative rules filed with the Secretary of State on October 28, 1993. Michigan Administrative Code Rules R 400.7001-400-7049. Department (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (ERM).

SER prevents serious harm to individuals and families to resolve or prevent homelessness by providing money for property taxes and fees, among other things. ERM 304, p. 1. The Department will assist by providing property tax assistance to save a home only if that home is threatened with loss due to tax foreclosure or sale. ERM, p. 1. Further, the SER group member must be an owner or purchaser of the home, or must hold a life estate on the home. ERM, p. 3.

To be eligible, the claimant seeking the SER tax assistance must provide the Department with a statement from the taxing authority verifying the total tax arrearage **and** a notice scheduling a judicial foreclosure hearing. ERM 304, p. 5.

In this case, the Department received the Claimant's application for SER assistance, and the Claimant supplemented that application with a Quit Claim Deed, which established she was a co-owner of the home. The Claimant further supplemented the SER application with a 2010 tax bill from her taxing authority, which verified the total tax arrearage. Nevertheless, the testimony of both the Department and the Claimant establishes that the Claimant did not provide a notice scheduling a judicial foreclosure hearing. There is also no testimony on the record that would support a finding that a judicial foreclosure hearing has ever been scheduled for the Subject Premises. Under these facts, the Department acted in accordance with Department policy when it denied the Claimant's SER application. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it denied the Claimant's SER application.

Accordingly, it is ORDERED:

The Department's denial of the SER application is AFFIRMED.



Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 21, 2011

Date Mailed: July 21, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AJB/pf

cc:

